IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMARY SUIT NO. 2456 OF 1985

Ballarpur Industries Ltd .....**Plffs.**
vs.
Gandhinagar Bottling P.Ltd .....**Defnds.**

Ms.A.B. Kapadia i/b. D.I. and Diwan
for the plaintiffs.
None for the defendants.

CORAM: S.U. KAMDAR, J.

DATE : 20th January,2006.

P.C. :.

1. The present suit is filed for the recovery of Rs.4,55,095/- with further interest at the rate of 15% p.a. on the principal amount of Rs.3,22,637.03/-.

2. The claim of the plaintiff arises inrespect of the goods sold and delivered being glass and glasswares including bottles, jars etc to the defendant herein. The defendant is carrying

business of bottling aerated waters. The aforesaid goods were supplied under various invoices and delivery challans were issued to the defendant herein.

3. The defendant issued a cheque of Rs.1,33,471.20/- but the same was returned dishonoured. According to the plaintiff the aforesaid amount inrespect of the goods sold and delivered has been claimed. The plaintiffs have tendered compilation of documents which is taken on record and marked Exhibit-A colly.

4. In so far as the written statement is concerned there is no written statement filed. The matter was on board on 9.1.2006. Thereafter on 13.1.2006. Learned counsel appearing for the defendants stated that M/s. Gagarat and Co. was on record. However the said firm has been dissolved. He states that the defendant is not traceable and therefore he could not obtain his vakalatnama. In that light of the matter there is no defence raised in the present proceedings.

There is no written statement filed though the suit is of 1985.

5. In that view of the matter suit is decreed. However the interest on the principal amount of Rs.3,22,637.03/- from the date of the suit till payment and/or realisation will be at the rate of 12% p.a. as simple rate of interest

6. The plaintiff is permitted to take back the original documents of furnishing the xerox copy. Suit decreed.

(S.U.KAMDAR, J)